

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)

Plaintiff,)

vs.)

CIV. NO. 10-00549 ACK-BMK

HAWAII HEALTHCARE)
PROFESSIONALS, INC., a/k/a)
HAWAII PROFESSIONAL)
HOMECARE SERVICES, Inc.,)
CAROLYN FRUTOZ-DE HARNE)
a/k/a CAROLYN FRUTOZ, and)
Does 2-10 Inclusive,)

Defendants.)

ORDER ADOPTING MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION

Findings and Recommendation having been filed and served on all parties
on May 10, 2012 and May 11, 2012,¹ and no objections having been filed by any

¹ On June 29, 2012, the Court issued an Electronic Order noting that there was a question as to whether Defendant Carolyn Frutoz-De Harne was served with a copy of the Magistrate Judge's Findings and Recommendation That Default Judgment Be Entered Against Defendants, which was filed on 5/10/2012 (the "F&R"), because the envelope containing the F&R that was mailed to Defendant Frutoz-De Harne was returned as undeliverable. (See Doc. No. 53.) Consequently, on June 29, 2012, the Court directed the Clerk of Court to re-send a copy of the F&R to Defendant Frutoz-De Harne via First Class Mail at a different address at which Plaintiff had previously successfully served Defendant Frutoz-De Harne. See Id.; Doc. No. 48. In the event that Defendant did not receive the initial mailing, the Court granted Defendant Frutoz-De Harne 15 days from the date of mailing to file a response to the F&R prior to the Court's ruling on Plaintiff's Motion for Default Judgment Against Defendants. Id. The Court observes that 15 days have elapsed, the mailing has not been returned as undeliverable, and Defendant Frutoz-De Harne has failed to file a response to the F&R.

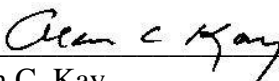
party,

IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.2, the “Findings and Recommendation That Default Judgment Be Entered Against Defendants” are adopted as the opinion and order of this Court.²

IT IS SO ORDERED.

Dated: Honolulu, Hawaii, July 18, 2012.





Alan C. Kay
Sr. United States District Judge

U.S. Equal Emp't Opportunity Comm'n v. Hawaii Healthcare Professionals, Inc., et. al, Civ. No. 10-00549 ACK-BMK: Order Adopting Magistrate Judge's Findings and Recommendation.

² The Court observes that the Findings and Recommendation erroneously states that the hearing on Plaintiff's Motion for Default Judgment was held on April 19, 2011. In fact, the hearing was held on April 19, 2012. See Doc. No. 49.